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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/735,056 | 12/12/2003 | Ivette Catan-Helfend | 51344/DRK/L486 | 2486 |

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EXAMINER

OLSZEWSKI, JOAN M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3677

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/735,056

Applicant(s)

CATAN-HELFEND, IVETTE

Examiner

Joan M. Olszewski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: "14a,14b,14c" on page 3, line 6; "girl 38" on page 4, line 11; "girl 42" on page 4, lines 17-18; and "head 64" on page 4, line 33. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "32" has been used to designate both "link 32" on page 4, line 10 and "head portion 32" on page 4, line 11; the reference character "34" has been used to designate both "link 34" on page 4, line 10 and "torso portion 34" on page 4, line 10; reference character "36" has been used to designate both "link 36" on page 4, line 10 and "leg portion 36" on page 4, line 11; and reference character "44" has been used to designate both "link 44" on page 4, line 20 and "torso portion 44" on page 5, line 6. Corrected drawing

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sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Further, Applicant is required to carefully review the entire specification for errors of the type mentioned above and correct all locations in the specification so that the reference character and the term to describe that reference character is consistent throughout.

Specification

The disclosure is objected to because of the following informalities: on page 1, line 16 "reflects" should be -- reflect -- ; on page 1, line 21, the second occurrence of "that" should be deleted.

Appropriate correction is required.

Claim 3 is objected to because of the following informalities: in line 2, the word "show " should be -- shown --.

Appropriate correction is required.

Further, the disclosure does not include a listing of the brief description for Figures 11A and 11B. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Strong (US Patent 4,763,489).

Regarding Claims 1 and 7, Strong discloses a link set for bracelets (Figure 6) comprising: a plurality of interconnectable detachably attachable links, with each link bearing a portion of a multipart design that can be modified by changing at least one of the plurality of links to thereby change the appearance of the multipart design (abstract) and (column 1, lines 33-36) and wherein the link set is connectable to other links that do not form part of the link set since Strong indicates that links may be removed and as such would create a set of used and unused links.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2-6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strong in view of Przybyla (US Patent 1,371,932).

Regarding Claims 2-6 and 8-13, Strong discloses all the claimed features as discussed in the rejection above except for the plurality of interconnectable links specifically comprising a link bearing an image of a person's head, a link bearing an image of a person's torso and a link bearing an image of a person's legs. However, Przybyla teaches the various elements forming the body of an animal. Further, the actual shape formed is strictly a design choice having no limit on the structure of the device and as such considered obvious. Further, Strong recognized the rearrangement of the link elements in order to provide a desired appearance and to form the various components as a kit would be obvious since this is well known in the jewelry art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device of Strong by utilizing the concept of various elements forming the body of an animal as taught by Przybyla in order to allow for various desired configurations. Further, to rearrange the components for various desired appearance from a kit providing these options would be obvious since this sort of option is old and well known in the jewelry art.

Further, re-claims 8 and 13, Strong as modified discloses wherein a torso portion has an attachment (14) which could be used for detachably attaching accessory pieces.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kelley (469,449), Saart (784,891), Richards (1,169,999), Sweeney (1,797,968), Bellavance (1,830,187), Kestenman (1,943,733), Mantz (2,169,265), Bradley (2,180,726), Chernow (2,224,721), Augenstein (2,889,681), Monderer et al. (5,022,237), Straight (5,341,634), Skiles (D463,308) and Skiles (D475,316).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joan M. Olszewski whose telephone number is 703-305-2693. The examiner can normally be reached on Monday-Thursday (5:30-4:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joan M. Olszewski
Patent Examiner
Art Unit 3677

JMO


ROBERT J. SANDY
PRIMARY EXAMINER